

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

## PCT

### NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(PCT Rule 71.1)

<b>To:</b>  <b>HLBB LIMITED</b> 1 Hagley Road Edgbaston Birmingham B16 8TG GRANDE BRETAGNE	RECEIVED ON:-	13 JAN 2006
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Applicant's or agent's file reference

#### IMPORTANT NOTIFICATION

International application No. PCT/GB2005/000088	International filing date (day/month/year) 13.01.2005	Priority date (day/month/year) 14.01.2004
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Applicant  
**THE CANNY COMPANY LIMITED et Al.**

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international preliminary examining authority:



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# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	<b>FOR FURTHER ACTION</b> <span style="float: right;">See Form PCT/PEA/416</span>	
International application No. PCT/GB2005/000088	International filing date ( <i>day/month/year</i> ) 13.01.2005	Priority date ( <i>day/month/year</i> ) 14.01.2004
International Patent Classification (IPC) or national classification and IPC A01K27/00, A01K25/00		
Applicant THE CANNY COMPANY LIMITED et Al.		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 8 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> <i>sent to the applicant and to the International Bureau</i> a total of 3 sheets, as follows:</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>		
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I    Basis of the opinion</p> <p><input type="checkbox"/> Box No. II    Priority</p> <p><input type="checkbox"/> Box No. III    Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input checked="" type="checkbox"/> Box No. IV    Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V    Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI    Certain documents cited</p> <p><input type="checkbox"/> Box No. VII    Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII    Certain observations on the international application</p>		
Date of submission of the demand  11.11.2005	Date of completion of this report  12.01.2006	
Name and mailing address of the international preliminary examining authority:   European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer  von Arx, V.  Telephone No. +31 70 340-2464 <div style="text-align: right;">  </div>	

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**Box No. I Basis of the report**

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1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

**Description, Pages**

1-8 as originally filed

**Claims, Numbers**

1-16 filed with telefax on 11.11.2005

**Drawings, Sheets**

1/3-3/3 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

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**Box No. IV Lack of unity of invention**

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1. ☐ In response to the invitation to restrict or pay additional fees, the applicant has:
- ☐ restricted the claims.
  - ☐ paid additional fees.
  - ☐ paid additional fees under protest.
  - ☐ neither restricted nor paid additional fees.
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with.
  - ☒ not complied with for the following reasons:  
**see separate sheet**
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☒ all parts.
  - ☐ the parts relating to claims Nos. .

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	1-16
	No: Claims	
Inventive step (IS)	Yes: Claims	1-12
	No: Claims	13-16
Industrial applicability (IA)	Yes: Claims	1-16
	No: Claims	

2. Citations and explanations (Rule 70.7):

**see separate sheet**

**Re Item IV**

**Lack of unity of invention**

This Authority considers that there are 3 inventions covered by the claims indicated as follows:

I: Claims 1 to 12 directed to:

an animal restraint device comprising a collar arranged to be secured about an animal's neck and lead means retained on the collar and having a portion arranged to encompass the animal's muzzle, in use; said lead means having two ends to which a leash is securable, said ends being securable together or to the collar when not secured to a leash *leaving little or none of said lead means dangling from the collar.*

II: Claims 13 to 15 directed to:

an animal restraint device comprising a collar arranged to be secured about an animal's neck and lead means retained on the collar and having a portion arranged to encompass the animal's muzzle, in use; said lead means having two ends to which a leash is securable, said ends being securable together or to the collar when not secured to a leash and *wherein the parts which, in use, are likely to contact the skin or fur of the animal are formed from material or materials which are not known, or, at least, are considered less likely, to cause allergic reactions to the animal.*

III: Claim 16 directed to:

an animal restraint device comprising a collar arranged to be secured about an animal's neck and lead means retained on the collar and having a portion arranged to encompass the animal's muzzle, in use; said lead means having two ends to which a leash is securable, said ends being securable together or to the collar, when not secured to a leash, *underneath the animal's muzzle.*

The reasons for which the inventions are not so linked as to form a single general inventive concept, as required by Rule 13.1 PCT, are as follows:

Document GB-A-2385506 (D1), see the whole document, discloses an animal restraint device comprising a collar (1) arranged to be secured about an animal's neck and lead means (5) retained on the collar (1) and having a portion arranged to encompass the animal's muzzle,

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in use;

said lead means having two ends (7) to which a leash is securable.

Said ends 7 are obviously also *securable*, by any appropriate, available means (wire, strap, clip etc...), together or to the collar when not secured to a leash.

The special technical feature, as defined in Rule 13.2 PCT, of the first group of claims, which is intended to be a contribution over this prior art, i.e. the feature of the ends of the lead being securable together or to the collar when not secured to a leash *leaving little or none of said lead means dangling from the collar*, apparently solves the problem of preventing that the lead becomes a trip or choke hazard after removal of the leash.

The special technical feature, as defined in Rule 13.2 PCT, of the second group of claims, which is intended to be a contribution over said prior art, i.e. the feature of *the parts which, in use, are likely to contact the skin or fur of the animal being formed from material or materials which are not known, or, at least, are considered less likely, to cause allergic reactions to the animal*, apparently solves the problem of providing a restraint device that does not cause skin reaction to the restrained animal.

The special technical feature, as defined in Rule 13.2 PCT, of the third group of claims, which is intended to be a contribution over said prior art, i.e. the feature of the ends of the lead being securable together or to the collar, when not secured to a leash, *underneath the animal's muzzle*, apparently solves the objective problem of providing an appropriate and convenient place for securing the ends of the lead together when the leash is removed.

No same or similar special technical features can be determined and different underlying problems are solved. Moreover, it is clear that the 3 claimed inventions can be applied independently of each other, i.e they are not necessarily inter-related.

It appears therefore that no technical relationship between the various claimed inventions exists involving one or more of the same or corresponding special technical features, beside the common and already well known features of the restraint device as disclosed in document D1. The 3 groups of claims are thus not so linked as to form a single general inventive concept.

**Re Item V**

**Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**I. Claims 1 to 12**

Independent claim 1 is considered to comprise all the features of independent claim 12 and is therefore not appropriately formulated as a claim dependent on the latter (Rule 6.4 PCT).

Document D1, which is considered to represent the most relevant state of the art, discloses from which the subject-matter of independent claims 1 and 12 differs in that the ends of the lead being securable together or to the collar when not secured to a leash *leaving little or none of said lead means dangling from the collar*.

The subject-matter of claims 1 and 12 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as preventing that the lead becomes a trip or choke hazard after removal of the leash.

The solution to this problem proposed in claims 1 and 12 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

The prior published documents, cited in the present procedure, either taken individually or in combination do not disclose, suggest or reasonably lead the person skilled in the art to consider the adaptation of the ends of the lead of the known device such that said ends are securable together or to the collar while leaving little or none of said lead means dangling from the collar. The person skilled in the art would not be able to combine all the features of claim 1 and as such arrive at the claimed device without an inventive activity.

Claims 2 to 11 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

## **II. Claims 13 to 15**

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 13 does not involve an inventive step in the sense of Article 33(3) PCT. The document D1 discloses a animal restraint device from which the subject-matter of claim 13 differs in that the parts which, in use, are likely to contact the skin or fur of the animal are formed from material or materials which are not known, or, at least, are considered less likely, to cause allergic reactions to the animal.

The problem to be solved by the present claim 13 may therefore be regarded as providing an animal restraint device that does not cause allergic reactions to the animal.

The proposed solution cannot be seen as involving an inventive step because it stands for reason that a lead, leash or collar manufacturer will always seek to manufacture products that are animal friendly which includes providing leads, leashes and collars that do not cause allergic reactions in the pet animal. This is illustrated by the teachings of document US-A1-2002/0117121 (D2).

Therefore the independent claim 13 does not appear to contain any additional features with respect to D1 which involve an inventive step.

Dependent claims 14 and 15 relate to minor constructional and material features which are at least partly revealed in the prior art quoted (D1 or D2) or which form part of the normal consideration of the person skilled in the art, i.e. they are the result of routine engineering and do not constitute an inspired design.

Therefore claims 14 and 15 do not appear to contain any additional features with respect to D1 which involve an inventive step.

## **III. Claim 16**

The present application does not meet the criteria of Article 33(1) PCT, because the



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subject-matter of claim 16 does not involve an inventive step in the sense of Article 33(3) PCT. The document D1 discloses a animal restraint device from which the subject-matter of claim 16 differs in that the ends of the lead are securable together or to the collar, when not secured to a leash, *underneath the animal's muzzle*.

The objective problem to be solved by the present claim 16 may therefore be regarded as providing an appropriate and convenient place for securing the ends of the lead together when the leash is removed.

The proposed solution cannot be seen as involving an inventive step because securing the lead ends of the lead known from D1 together underneath the animal's muzzle *in lieu* of e.g. on top of its neck is merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed.

## CLAIMS

- 17 1. A restraint device for an animal, the device (1) comprising a neck collar (2) for the animal having inter-engagable ends, a surface of the collar (2) having longitudinally spaced apart lead guide means (L1-L4) mounted on either side of the longitudinal centre of the collar (2); a lead (4) passing through said lead guide means (L1-L4) and having stop means (D1, D2) at each end to which a leash is attachable; slider means (10) mounted on the lead (4), located between said guide means (L1, L2) and arranged to allow a portion of the lead (4) to assume a generally noose-like shape to encompass the nose and mouth region of the animal, wherein the lead (4) comprises securing means (C1, C2) at or towards either end thereof, arranged to be secured or secureable together, or to a part of the device (1), once the leash has been removed from said stop means (D1, D2) to leave little or none of the lead (4) dangling from the collar (2).
- 18 2. A device (1) according to Claim 1, wherein said guide means (L1-L4) are arranged as two outer guide means (L3, L4) which are engagable with said stop means (D1, D2) and two inner guide means (L1, L2) which are located one on each side of the longitudinal centre of the collar (4).
- 19 3. A device (1) according to Claim 2, wherein said securing means (C1, C2) are secureable to said inner guide means (L1, L2).
- 20 4. A device (1) according to any preceding Claim, wherein said securing means (C1, C2) are securable to one another.

- 21 5. A device (1) according to any preceding Claim, wherein said securing means (C1, C2) are securable to the collar (2).
- 22 6. A device (1) according to any preceding Claim, wherein the lead (4) is from about 2.5 to 1.5 times longer than the collar (2).
- 23 7. A device (1) according to any preceding Claim, wherein said securing means (C1, C2) comprise sprung clips, say sprung metal or plastics clips.
- 24 8. A device (1) according to any of Claims 1 to 6, wherein said securing means (C1, C2) comprise mutually engagable hook-and-eye fasteners.
- 25 9. A device (1) according to any of Claims 1 to 6, wherein said securing means (C1, C2) comprise fabric mutually engagable hook-and-eye fixings, secured (e.g. sewn) to the ends of the lead.
- 26 10. A device (1) according to any preceding Claim, wherein said securing means (C1, C2) are securable together underneath the animals' mouth and nose region.
- 27 11. A device (1) according to any preceding Claim, wherein said slider means (10) is made of a material which does not cause an allergic reaction in the animal to which the device is to be attached.
- 28 12. An animal restraint device (1) comprising a collar (2) arranged to be secured about an animal's neck and lead means (4) retained on the collar (2) and having a portion arranged to encompass the animal's muzzle, in use; said lead means (4) having two

ends to which a leash is securable, the ends of said lead means (4) being securable together or to the collar (2) when not secured to a leash so leave little or none of said lead means (4) dangling from the collar (2).

13. An animal restraint device (1) comprising a collar (2) arranged to be secured about an animal's neck and lead means (4) retained on the collar (2) and having a portion arranged to encompass the animal's muzzle, in use; said lead means (4) having two ends to which a leash is securable, the ends of said lead means being securable together or to the collar (2) when not secured to a leash and wherein all parts of the device (1) which, in use, are likely to contact the skin or fur of the animal are formed from material or materials which are not known, or, at least, are considered less likely, to cause allergic reactions to the animal.
14. A device (1) according to Claim 13, comprising slider means (10) through which said lead means (4) extends to form the portion to encompass the animal's muzzle.
15. A device (1) according to Claim 14, wherein said slider means (10) comprises a pair of friction surfaces against which said lead means (4) bears and which friction surfaces allow the free, or at least substantially unimpeded, passage of said lead means (4).
16. An animal restraint device (1) comprising a collar (2) arranged to be secured about an animal's neck and lead means (4) retained on the collar (2) and having a portion arranged to encompass the animal's muzzle, in use; said lead means (4) having two ends to which a leash is securable, the ends of said lead means (4) being securable together or to the collar (2), when not secured to a leash, underneath the animal's muzzle.